

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claims 2, 3, 18 and 21-24 are currently being cancelled. Please note that claims 18 and 21-24 were withdrawn from consideration, and whereby Applicants reserve the right to prosecute those claims in one or more divisional applications, if desired.

Claims 1, 4, 5, 9, 10, 13 and 19 are currently being amended.

Claims 25-30 are currently being added.

This amendment adds, cancels and amends in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 4-17, 19, 20 and 25-30 are now pending in this application.

**Claim Rejections – Prior Art:**

In the Office Action, claims 1, 2, 5-8, 19 and 20 were rejected under 35 U.S.C. Section 102(e) as being anticipated by U.S. Patent Publication No. 2003/0136325 to Wooley et al.; claims 3 and 4 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wooley et al. in view of U.S. Patent No. 4,562,785 to Priam-Doizi; and claims 9-17 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Wooley et al. in view of German Patent Application DE 196 35 824. These rejections, to the extent that they may be applied to the presently pending claims, are traversed for at least the reasons given below.

With respect to presently pending claim 1, that claim has been amended to recite a beam, a first brace and a second brace. Wooley et al. does not disclose or suggest any of these features of presently pending claim 1. In particular, Wooley et al. discloses a triangular-

shaped structure that corresponds to a plurality of circular-shaped members, as seen best in Figures 2, 3 and 4 of Wooley et al. Wooley et al. does not disclose or suggest a first brace or a second brace that are positioned at particular locations with respect to a beam and with respect to pontoons on which the protection apparatus floats.

Accordingly, presently pending claim 1 is not anticipated by Wooley et al.

Presently pending independent claim 19 has been amended to recite a method which includes a step of constructing a plurality of connectors each having a tensile member and a dampening member, in which the tensile member corresponds to a chain having a plurality of links. Wooley et al. clearly does not disclose or suggest these features. While German Patent Application DE 196 35 824 discloses a waterborne connecting structure that includes a wire rope 2, that wire rope 2 does not provide the flexibility of the claimed chain with links. Accordingly, since the present invention according to presently pending independent claim 19 provides for more degrees of freedom than a structure that might utilize the connector having a wire rope of DE 196 35 824, the present invention as recited in presently pending independent claim 19 is patentable over a purported combination of Wooley et al. and DE 196 35 824.

With respect to the rejection of claim 9 over the teachings of DE 196 35 824, please refer to the comments given above with respect to claim 19, whereby those features are not disclosed, taught or suggested by DE 196 35 824. In particular, the use of a wire rope in a connector assembly is much different from the use of a chain having links in a connector assembly.

Accordingly, presently pending independent claim 9 is patentable over the combined teachings of Wooley et al. and DE 196 35 824.

With respect to presently pending independent claim 13, that claim now recites a V-shaped brace that provides additional support for protecting against the waterborne craft from penetrating the protection apparatus. Such a structure is not taught or suggested by either Wooley et al. or DE 196 35 824. Accordingly, presently pending independent claim 13 is patentable over the cited art of record.

The presently pending dependent claims under rejection are patentable due to their dependencies on one of the presently pending independent claims discussed above, as well as for the specific features recited in those dependent claims.

**New Claims:**

New claims 25-30 have been added to recite additional features of the present invention that are not believed to be disclosed, taught or suggested by the cited art of record, when taken as a whole. For example, new claim 25 recites components utilized in coupling the connector to a bracket of an adjacently-positioned barrier structure, as shown, for example, in Figure 7 of the drawings. Such a coupling structure is not disclosed, taught or suggested by the cited art of record. New claim 26 recites additional features of the coupling structure. New independent claim 27 recites, among other things, an I-beam that spans an entire length of the barrier structure. Wooley et al. does not disclose, teach or suggest the use of an I-beam for his protection barrier. New claim 28 recites a plurality of net holding members that extend upward from a top surface of the I-beam. Again, Wooley et al. does not disclose or suggest such a structure for his protection barrier. New independent claim 29 recites, among other things, a plurality of net stantion supports, which may be seen, for example, as elements 130, 150 in Figure 3 of the drawing. Such components, which extent upward from a beam, are not disclosed or suggested by the cited art of record. New dependent claim 30 recites additional features of the net station supports, and how they relate to the net stations.

**Conclusion:**

Since all of the objections and rejections raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 8, 2004

By Phillip J. Articola

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5535  
Facsimile: (202) 672-5399

Phillip J. Articola  
Attorney for Applicant  
Registration No. 38,819